

Shri R.K. Telang,
s/o Krishnaji Telang,
T.G.T. (English),
Kendriya Vidyalaya No.1,
Vasco-da-Gama, Goa.

... Petitioner

VERSUS

1. Union of India,
Through its Secretary,
(Ministry of H.R.D.),
New Delhi.

2. The Commissioner
Kendriya Vidyalaya Sangathan,
18th Institutional area,
Shahid Jeetsingh Marg,
New Delhi 110 016.

3. The Principal,
Kendriya Vidyalaya No.1,
Vasco-da-Gama, Goa.

... Respondents.

Mrs. A. Thorat, Advocate for the Petitioner (Absent).

Mr. V.P. Thali, Senior Central Govt. Standing Counsel
for the Respondent No.1.

Mr. P.P. Singh, Advocate for the Respondent No.3.

CORAM: N.N. MHATRE &
P.V. HARDAS, JJ.

DATE: 16TH FEBRUARY, 2004.

ORAL JUDGMENT: (PER HARDAS, J.)

The petitioner, a Teacher employed in the
Kendriya Vidyalaya No.1, Vasco-da-Gama, Goa has filed
the present petition seeking for issuance of a writ of
mandamus directing the respondents to remove the
National Flag painted on the parapet wall of the

School. The respondent No.3 i.e. the Principal of the Kendriya Vidyalaya No.1, Vasco-da-Gama has filed an affidavit in which it is stated that after the filing of the petition, the parapet wall has been re-painted and the National Flag which was displayed on the parapet wall is no longer displayed. In the said affidavit, at paragraph 4, the respondent No.3 has also tendered unconditional apology for displaying the National Flag on the parapet wall.

2. None appears for the petitioner when the petition is called out. In view of the statement in the affidavit, which is not controverted, that the parapet wall has been re-painted and the National Flag is not displayed any longer, we do not propose to exercise our discretion in granting the reliefs to the petitioner and accordingly Writ Petition No.571/2003 is disposed of on the basis of the affidavit filed by the respondent No.3 and accepting the unconditional apology.

3. In the circumstances, there will be no order as to costs.

NISHITA MHATRE, J.

sl.

P.V. HARDAS.